

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

BRETT HENDERSON,

Plaintiff,

vs.

CIV-09-0151 LAM/CG

ORTHOPEDIC SPORTS MEDICINE  
INSTITUTE, P.C., and EDWARD  
SWEETSER,

Defendants.

**ORDER GRANTING UNOPPOSED MOTION TO REMAND**

**THIS MATTER** is before the Court on *Plaintiff's Motion to Remand, Memorandum of Points and Authorities in Support of Motion* (Doc. 4) (hereinafter, "*Motion to Remand*"), filed March 2, 2009. Defendants filed their *Consent to Proceed Before a U.S. Magistrate Judge* (Doc. 3) on February 19, 2009, and Plaintiff filed *Plaintiff Brett Henderson's Consent to Proceed Before Magistrate Judge* (Doc. 6) on March 10, 2009. Plaintiff states that since Defendants are both citizens of New Mexico, they cannot remove this case, which was originally filed in New Mexico state court, to federal court. *See Motion to Remand* (Doc. 4) at 1 (citing 28 U.S.C. § 1441(b)). Plaintiff states that Defendants do not oppose this motion. *See Motion to Remand* (Doc. 4) at 2, 7. Having reviewed the motion, the pleadings in this case, and relevant law, the Court finds that this motion is well-taken and should be **GRANTED**.

**IT IS THEREFORE ORDERED** that *Plaintiff's Motion to Remand, Memorandum of Points and Authorities in Support of Motion* (Doc. 4) is **GRANTED** and that this action is remanded to the state district court from which it was removed.

**IT IS SO ORDERED.**

  
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**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**  
**Presiding by Consent**